IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.Rev.Pet.No. 94 of 1999()

CRA.280/1998 of V ADDL.SESSIONS COURT, ERNAKULAM
SC.107/1997 of PRINCIPAL ASSISTANT SESSIONS COURT, ERNAKULAM

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REVN. PETITIONER: APPELLANT/ACCUSED

PONNU, S/O.KARUMAN
MANTHODI VEEDU, PALLAVOOR DESOM
PALLASSANA VILLAGE, PALAKKADU DIST.

BY ADV. SRI.S.NIRMAL KUMAR

RESPONDENTS: RESPONDENT/STATE

STATE, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.94/99

ORDER ON CRL.M.P.NO.331/99 IN CRL.R.P.NO.94/99

DISMISSED

19.6.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.94 of 1999

Dated this the 19th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 304A IPC and sentenced to undergo simple imprisonment for six months under Section 279 IPC and sentenced, as modified by the appellate court, to undergo simple imprisonment for two years for the offence under Section 304A IPC.

2. The prosecution case is that the revision petitioner was driving the bus KEE 6537 at 6.40 p.m. on 9.4.1996 in a rash and negligent manner and caused to hit the bus on PW1 and CW1 who were allegedly standing on the eastern side of the road and in the incident one Rema died on account of injuries sustained.

3. The counsel for the revision petitioner has only sought for modification of the sentence pointing out that the incident has been taken place in the year April 1996 and the accused was so far facing the criminal proceedings and undergone pretrial

detention for one month. In the circumstances, considering the fact of long delay, the sentence imposed under Section 304A IPC is modified to imprisonment already undergone and to pay compensation of Rs.25,000/- to the legal representatives of the deceased Rema vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the offence under Section 279 IPC.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl